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Child Support and (Global) Poverty

Cross-border child support poses different challenges for different groups of children. For those in wealthy families, abundant financial resources permit sophisticated planning and forum shopping, access to private counsel, and discretionary decision-making by judges who may take a generous view of the individual child's support requirements. For those in the middle classes, very broadly defined, public child support systems create significant administrative efficiencies through guidelines and formulas, routine wage withholding, and cooperation between jurisdictions for establishment and enforcement of support orders. The 2007 Hague Child Support Convention usefully extends this administrative approach to children in transnational families.

For children in poorer families, however, child support enforcement is less useful. Domestic child maintenance systems often link private child support and public assistance programs, but these programs are quite different. For example, the elaborate child support enforcement regime in the United States is closely tied to the Temporary Assistance for Needy Families (TANF) program, but child support enforcement is not a practical solution to child poverty for "fragile families" in which parents themselves are poor. When evaluated in terms of economic costs and benefits, the administrative enforcement apparatus makes financial sense primarily because it serves large numbers of middle class families. The system helps to prevent children from falling into poverty, provided that their absent parents have access to employment, but it is less effective in the face of persistent poverty and high unemployment.

On a global level, the investment in cross-border child support enforcement is less clearly linked to the broader problem of child poverty. Moreover, in light of the austerity budgets facing local and national and local governments, the challenges of designing and implementing new child maintenance schemes will be considerable. How far can the 2007 Convention help in securing additional financial support for children living in poorer families, or in less stable economies? Can - and should - child support transfers replace other types of international family remittance payments? What kinds of assistance would help those nations without administrative child support enforcement systems be prepared to join the Convention?